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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,965	03/17/2001	Anthony J. Benson	10003438-1	7251

7590

08/13/2003

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EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 08/13/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,965

Applicant(s)

BENSON ET AL.

Examiner

Khanh Dang

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

A description (in addition to a reference number) must be provided for each of a plurality of boxes shown in Figs. 1-6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 11-13, phrases such as "bus addressing on said first bus" and "bus addressing on said second bus" are unclear and cannot be ascertained. In line 13, "the particular" lacks antecedent basis and is vague/indefinite. Also, in lines 13-14, it is unclear which backplane the phrase, "said backplane connector" may refer to.

Similarly, in claim 6, phrases such as "bus addressing on said first bus" and "bus addressing on said second bus" are unclear and cannot be ascertained.

In claims 15-17, the relationships between the steps set forth in the claims are unclear, since the essential structural cooperation relationships between structural elements from which a method for configuring is performed have been omitted, such omission amounting to a gap between s necessary structural connections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1-5
Claims *1-17* are rejected under 35 U.S.C. 102(b) as being anticipated by Pecone et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted and as best the Examiner can ascertain from the language of the claims, these claims do not define any structure/step that differs from Pecone et al. With regard to claim 1, Picone et al. discloses a bus controller card (22, for example) for use with a backplane having a bus controller slot (see at least Fig. 1, for example) connected to a first bus (A, for example) and a second bus (B, for example), comprising: a first backplane connector (30/72/74 combination, for example) adapted for connection to a selected one of the first bus (A) and the second bus (B); a second backplane connector (30/72/76 combination) adapted for connection to the other one of the first bus (A) and the second bus (B); and a first switchbox comprising a plurality of individual switches (46A, 46B) operationally connected to said first backplane connector (79) and said second backplane connector (80), wherein one of said switches (46A, 46B) controls bus addressing on said first bus and another one of said switches (46A, 46B) controls bus addressing on said second bus (B) independent of the particular said

backplane connector connected to each bus. With regard to claim 2, the CMOS analog switches are readable as DIP switches.). With regard to claim 3, the bus controller card (22) further comprises: a first host connector (79) electrically connected to said first backplane connector along a first signal path, and a second host connector (80) electrically connected to said second backplane connector along a second signal path, wherein each said host connector and said switchbox are located on an end of the bus controller card (22). With regard to claim 4, it is clear that the backplane connectors include electrical terminals. See explanation regarding to claims 1 and 3 above; see also Figs. 1 and 2 and description thereof. With regard to claim 5, at least switching logic 46 is readable as a "controller electrically connected to the first switchbox, the first backplane connector and the second backplane connector.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecone et al.

Pecone et al., as explained above, discloses the claimed invention including the use of one "controller card" 22 with two "backplane connectors," two "host connectors,"

a Y-cable and switches. Pecone does not disclose the use of two "controller cards," two "backplane connectors," two "host connectors," two cables and switches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ two "controller cards" with two cables, two "backplane connectors," two "host connectors," since the Examiner takes Official Notice that a selection between a combination of two host connectors connected to one terminal through a Y-cable and a switch and a combination of two host connectors connected to two terminal through two single cable and switch(s) is clearly within the level of skill in the art. In any event, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

U.S. Patent Nos. 6,567,876 to Benson et al., 6,513,086 to Haddad et al., and 6,055,582 to Pascarella et al. are cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang
Primary Examiner